

REMARKS

By this amendment, claims 4, 8, and 23-25 are pending in this application. Claims 4, 8, and 24 are allowed. Claims 23 and 25 are rejected under 35 USC 102(a) over Konno. In view of the amendment of claim 23 made herein, and for the following reasons, all claims are now in condition for allowance.

The specification has been objected to for certain informalities. In particular, the limitations of claim 8 relating to the front and back side of the subject of the temperature measurement. The Examiner is respectfully referred to the original specification at page 19, line 15 through page 20, line 12. Therein the specification provides detailed description for the front side and back side of the person that is the subject of the temperature measurement. The objection should, therefore, be withdrawn.

Claim 23 has been amended to explicitly recite that the main body comprises “an indicator provided on the main body”. Konno, in contrast, discloses that the indicator is not part of the main body, but is provided away from the main body. Exemplary of Konno’s disclosure is Fig. 11 that shows that the indicator surface 4 is located on the upper portion of the back face of the thermometer. The present invention, in Fig. 12(a)-(c), shows the feature of claim 23 where the indicator is provided on the main body itself. This embodiment of the invention is described beginning on page 40 of the specification (under the heading embodiment 9) and offers the user the advantage of having the indicator surface on the main body of the thermometer “to allow the user to recognize the plurality of main-body-holding methods”. This feature is not taught or suggested by Konno. The rejection of claims 23 and 25 under 35 USC 102(a) should, therefore, be withdrawn.

For these reasons, all pending claims are in condition for allowance and a notice thereof is earnestly solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition

for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **482842000500**.

Respectfully submitted,

Dated: February 14, 2005

By: 

Wayne C. Jaesske, Jr.
Registration No. 38,503

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 300
McLean, Virginia 22102
Telephone: (703) 760-7756
Facsimile: (703) 760-7777